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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,997	02/16/2001	Kazuyuki Takizawa	203259US6	2829

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EXAMINER

CAO, ALLEN T

ART UNIT	PAPER NUMBER
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2652

/ 2

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/783,997

Applicant(s)

TAKIZAWA ET AL.

Examiner

Allen T Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 13-31 is/are pending in the application.
- 4a) Of the above claim(s) 27-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 13-31 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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1. Applicant's election with traverse of Group I, claims 13-26, in Paper No. 11 is acknowledged. The traversal is on the ground(s) that "... Claim 27 is directed to a method for manufacturing the disc support plate. Hence it appears that the claim in the present application are part of an overlapping search area and that search for Claims 13-26 would necessarily include the subclass required for a search directed to Claims 27-31 as well ...". This is not found persuasive because Group I, Claims 13-26, drawn to a disc support plate apparatus, classified in class 369, subclass 192 which is different search class for Group II, Claims 27-31, drawn to a method for manufacturing a disc support plate, classified in class 206, subclass 768. Wherein inventions I and II are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the product in Group I can be made by a different method such as molding, casting, etc.. Which is different from the method of "printing" as claimed in Group II. Therefore the Examiner maintains that the inventions are distinct, each from the other because of the following reasons: Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

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2. Claims 27-31 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected claims, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 11.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-16, 18-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP (2000344353).

JP ('353) discloses a disc tray 23 having a substrate 23b and a resin portion (23c, 23a) placed on the substrate as set forth in claims 1 and 11.

Regarding claim 14, JP ('353) discloses that the substrate 23b is made by a metal material (stainless steel). Regarding claim 15, JP ('353) discloses that the resin portion is without continuity. Regarding claim 16, JP ('353) discloses that the disc support plate (disc tray) has one of the first, second, and third parts is formed discontinuously. Regarding claim 18, JP ('353) discloses that the resin portion is formed on both faces of the substrate (23c, 23c, figure 4). Regarding claim 19, JP ('353) discloses that the center resin portion of the disc tray connects the first edge portion and the second edge portion. Regarding claim 20, JP ('353) also discloses there are at least a part of the center resin portion does not connect the first edge and the second edge. Regarding claim 21, JP ('353) discloses that the third part is formed in a center of the substrate

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substantially parallel to a disc loading and unloading direction. Regarding claim 22, JP ('353) discloses that the third part is formed substantially symmetrically with respect to a center of the substrate.

Regarding claims 23-26, JP ('353) inherently discloses a disc compartment; means for loading and unloading the disc; means arranged in the casing for reproducing the disc; and means for operating at least one of the disc compartment and the reproducing means.

JP ('353) does not disclose that the resin portion is provided only on the first edge portion, the second edge portion and a line-shaped portion provided between the first edge portion and the second edge portion as set forth in claims 13 and 23-26.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the resin portion of JP ('353) which is provided only on the first edge portion, the second edge portion and a line-shaped portion provided between the first edge portion and the second edge portion as set forth in claims 13 and 23-26.

The rationale is as follows: One of ordinary skill in the art would have been motivated to make/modify the resin portion of JP ('353) which is provided only on the first edge portion, the second edge portion and a line-shaped portion provided between the first edge portion and the second edge portion as set forth in claims 13 and 23-26 through an obvious matter of routine engineering technique design choice for ease in manufacturing, thus save time and cost. It would be obvious to provided only at the edge portions and the line portion instead of all portions to reduce the resin material apply to the disc tray which is obvious.

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5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('353) in view of Kim (US. 6,009,060).

JP ('353) does not disclose that the thickness of the resin portion is 0.1 mm - 0.2 mm.

Kim discloses a disc tray having a coating resin portion including a thickness of 0.2 mm - 0.5 mm (claim 1).

However, JP ('353) and Kim do not disclose that the thickness of the substrate is 0.3 mm.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the thickness of the resin portion of JP ('353) equal to 0.2 mm as taught by Kim and also modify the thickness of the substrate of JP ('353) as modified by Kim equal to 0.3 mm through routine engineering technique design choice in order to reduce the thickness of the tray, thus reduce the thickness of the drive.

6. Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('353) in view of Goto et al (US. 6,307,828 B1).

JP ('353) discloses all of the elements of claims 24 and 26; However, JP ('353) does not disclose a disc changer having a plurality disc trays.

Go to et al disclose a disc changer having a plurality resin disc trays.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the particular disc tray as discloses by JP ('353) into a plurality disc trays of the disc changer of Go to et al as an obvious engineering technique choice.

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*Response to Arguments*

7. Applicant's arguments filed 6/16/03 have been fully considered but they are not persuasive.

8. Applicant's arguments with respect to claims 13-26 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant's amendment (newly added claims 13-31; claims 27-31 has been withdrawn) necessitated the new ground(s) of rejection presented in this Office action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Cao whose telephone number is (703) 305-3796.

A handwritten signature in black ink, appearing to read 'Allen Cao', with a stylized flourish at the end.

Allen Cao

Primary Examiner

AC

August 21, 2003